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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,617	10/30/2003	James A. Kahkoska	F-328	9962
802	7590	12/15/2004		
DELLETT AND WALTERS P. O. BOX 2786 PORTLAND, OR 97208-2786			EXAMINER NGUYEN, JIMMY	
			ART UNIT 2829	PAPER NUMBER

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,617

Applicant(s)

KAHKOSKA ET AL.

Examiner

Jimmy Nguyen

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 and 13-19 is/are rejected.
7) ☒ Claim(s) 11 and 12 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0104.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Abstract

1. The abstract of the disclosure is objected to because the abstract is less than 50 words. Correction is required. See MPEP § 608.01(b).

Drawings

2. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims Objection

- Claims 11 and 12 are objected because the examiner is unclear what are the limitations of the claims (shown and described are not the limitations), the applicant must spell out what are the body of the claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 10, 13 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Medelius et al (US 5894223).

As to claim 1, Medelius et al disclose a toner/probe system, comprising:

a toner adapted (112, 110, generate different signal frequency) to generate and supply a tone packet to a cable under test (102); and

a probe (104) adapted to detect said tone packet as propagated via the cable under test (102).

As to claims 2, 14, Medelius et al disclose a toner/probe system according to claim 1, wherein said tone packet comprises:

a synchronization portion (112); and

a data portion (110).

As to claims 3, 15, Medelius et al disclose a toner/probe system according to claim 2, wherein said data portion (110) comprises plural portions providing different testing modes (different frequency).

As to claims 4, 16, Medelius et al disclose (fig 1) a toner/probe system according to claim 3, wherein testing modes are selected from the group consisting of:
A cable isolate mode and a cable locate mode.

As to claims 5, 17, Medelius et al disclose (fig 1) a toner/probe system according to claim 3, wherein said testing mode comprises a wire continuity test mode for location one or more wires separately from other wires.

As to claims 6, 18, Medelius et al disclose (fig 1) a toner/probe system according to claim 3, wherein testing mode comprises a wire map mode.

As to claims 7, 19, Medelius et al disclose (fig 1) a system according to claim 1, wherein toner supplies a 455Khz (column 2 lines 58 – 59) carrier signal as at least part of tone packet.

As to claims 8, 9, Medelius et al disclose (fig 1) a system according to claim 1, wherein toner (110) comprises a selector for selecting an operation mode (the oscillator must has the selector to select different frequency)

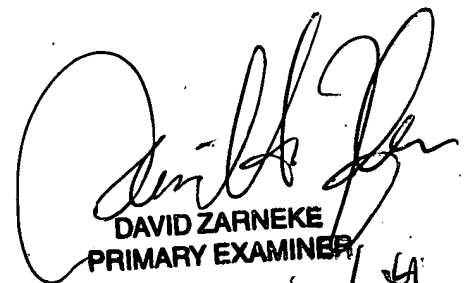
As to claim 10, Medelius et al disclose (fig 1) a system according to claim 1, wherein said probe comprises a detector (120) for detecting said tone packet and operatively responding to portions thereof.

As to claim 13, Medelius et al disclose (fig 1) a method for locating a cable, comprising the steps of
applying a tone packet (112, 110) to a cable (102) at one position thereof; and
employing a sensor (104) responsive to said tone packet to locate said cable (102) at another position thereof.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen at (571) 272-1965. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.

JN.
Dec 9, 2004


DAVID ZARNEKE
PRIMARY EXAMINER
12/11/04